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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,677	08/20/2003	Kimberly J. Hughes	END920030069US1	6446
37945 7590 01/23/2009				
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ROBERTSON, DAVID				
ART UNIT		PAPER NUMBER		
2121				
NOTIFICATION DATE		DELIVERY MODE		
01/23/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/644,677

Applicant(s)

HUGHES ET AL.

Examiner

Dave Robertson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Final office action in response to Applicant's reply of 10/20/2008.

Claims 1-18 are pending.

Response to Amendment

2. Applicant amends claims 1-11 to more clearly recite non-optional, functional aspects of computer program response to requests to view contact information, and adds claims 12-18 emphasizing aspects of the database records not previously claimed. The amendments are addressed below.

Response to Arguments

3. Applicant's arguments filed 10/20/2008 have been fully considered but they are not persuasive:

Applicant argues Parks (US Pat. No. 6,681,000) does not teach *determining whether [a request to view contact information] occurs during said On Shift support hours or said Off Shift support hours*. (Remarks, pg. 6) Specifically, Applicant asserts that because Parks teaches displaying a list of the available technicians based on the technicians schedules and availability *according to the time service is requested by the customer* (emphasis Applicant's) at the time the customer desires the service to occur, Parks cannot teach determining whether the time of the request for viewing contact information occurs during On Shift or Off Shift support hours.

Examiner respectfully disagrees: The argued distinction appears to be that a time of making a request to view contact information is necessarily different from the time of requesting a service. However, while Parks is directed to scheduling *visits* by technicians to customers requesting service at a time and in a time zone, Parks alone was not used to teach the claim as a whole. Rather, Parks was used to teach displaying a list of available technicians based on the technicians' schedules and availability according to the time zone of the request. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Goodman (US Pat. Pub. 2006/059253) and Guheen (US Pat. No. 6,519,571) teach a centralized help desk where software developers may reside in different time zones, where help desk operators, upon receiving a request for assistance, must first consider the time zone of the requesting user in relation to the shift schedule of the support developers (technicians) before providing contact information to the requesting user. (See Office Action of 7/01/08, pg. 4). With respect to requests for service in Goodman in view of Guheen and Park's, a customer making a request for service for immediate computer help would be simultaneously (or nearly simultaneously) making *both* a request to view contact information and a request for service at that time. Thus, a teaching of making a request for service *according to the time service is requested by the customer* directly teaches or fairly suggests making a request to view contact

information when service is requested *at the same time*, therefore the point of *view request time* versus *service time* is moot.

With respect to claim 2, Applicant argues Goodman does not alone teach "*both On Shift persons and Off Shift support persons each having a primary and backup support persons*" (Remarks, pg. 8, from line 9) with the result that Goodman cannot teach "four sub-classes per the features of Claim 2 (line 6). However, Goodman alone was not used to teach *both* On Shift and Off Shift support persons having primary and backup support persons. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As the Office Action stated Goodman teaching or suggesting "as above for claim 1 in view of Parks of Guheen" (OA page 6 under Claim 2), in addition to listing *main* (primary) and *secondary* (backup) contacts. That Goodman in view of Parks and Guheen teaches listing technicians according to scheduled shift, in addition to the primary art of Goodman teaching primary and backup support contact listings, the teachings of the prior art taken as a whole fairly suggests listing the primary and backup support persons for one scheduled shift (On Shift) and another list of primary and backup support persons for another scheduled shift (Off Shift). In response to applicant's argument that the references fail to show certain features (e.g. the "four subclasses") of applicant's invention, it is noted that the features upon which applicant

relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claim 3, Applicant argues that the present invention claims specifying on shift and off shift supports hours for said application, thus claiming an *application* centric database of schedules of support persons, (Remarks, pg. 8) while Parks is *technician centric*. However, Parks alone was not used to teach the focus or orientation of the support team schedule and availability. Goodman expressly teaches where support persons are associated with sub-teams covering individual architecture components and software tools, each sub-team being *application centric* to a particular component or tool, as well as support persons available for general technical support (see Goodman at ¶[0126-0130]). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to claim 4, Applicant argues that Goodman cannot teach “each of said lists specifies said preferred On Shift contact method for each of said On Shift support people and said preferred Off Shift contact method for each of said Off Shift support people (Remarks, pg. 9). However, Goodman alone was not used to teach the limitation. Goodman in view of Parks and Guheen was used to teach claim 1, including

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a database of support contacts including main and secondary contacts. Guheen was further used to teach or suggest a support person (users) having a preferred communication method a "defined channel" such as email, fax, or telephone. (OA, page 7). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). That Goodman in view of Parks and Guheen teaches lists including main and secondary support person contact information for scheduled shift, with Guheen further teaching *preferred* communication channels fairly suggests the asserted limitation of providing a preferred contact method for the main and secondary contacts for providing support during scheduled shifts.

With respect to claims 5-11, Applicant argues as above for claims 5-11 as depending from claim 1, previously addressed (Remarks, pg. 9).

Applicant does not traverse Examiner's assertion of facts by official notice in the prior office action (OA, page 9). Because Applicant has not specifically pointed out any errors in the Examiner's taking of Official Notice, the officially noticed facts are deemed admitted prior art. See MPEP § 2114.03 (C).

Accordingly, the grounds of rejection over all claims as in the prior office action are maintained and updated with respect to new and amend claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Pat. Pub. 2006/059253) in view Parks et al (US Pat. 6,981,000) and Guheen et al (US Pat. 6,519,571).

Goodman and Guheen disclose automated systems for networked, enterprise-wide software development, operation and support, each providing centralized, developer and end-user Help Desk support. In note of the lengthy disclosures of Goodman and Guheen, Applicant is reminded that citation to passages in the applied art given in the rejections below are for convenience of Applicant, and Applicant is hereby advised to consider the prior art in its entirety in response to any particular teaching or passage relied upon.

Parks discloses automated, technician contact information matching and display for providing customer service and support, including listing available technicians according to the time and in the time zone of the customer service request.

Specifically with respect to the claims as presented:

Claim 1

Goodman teaches receiving requests for help services at the help desk (see ¶ [0198]) and maintaining a contacts database of *main* and *secondary* contacts for software products supported by external vendors, the contact information including address, fax, and telephone information (see ¶ [0201]). In Goodman, *receiving requests to view contact information for support people* for an external vendors product and *displaying the contact information* is inherent to the Help Desk's function of "coordinating the activities of external suppliers to solve problems" (see ¶ [0200]); otherwise, the Help Desk, being a centralized point of contact for resolving user incidents and problems, would be of no use to users seeking assistance on products supported externally (See column 135, lines 1-9).

However, Goodman does not expressly teach *determining the support people who are On Shift and the support people who are Off Shift for said application, and displaying On Shift support people and Off Shift support people in a list such that the On Shift people are listed before the Off Shift people*.

Parks teaches displaying a list of the available technicians (to the customer for selection) based on the technicians' schedules and availability according to the time service is requested by the customer (see column 12 from line 15), including matching

the time zone of the customer (see claim 16) to the technicians' shift schedules (see claim 16). In Parks, if there is no technician who can perform the service at the time requested, the system proposes other technicians who are available in a different time period than requested (see column 13 from line 5).

Guheen teaches that in such a net-centric, application software development environments as Goodman's, developers and users may reside in different time zones (Guheen at column 135, line 47: teaching the use of video conferencing as a means to connect geographically distributed teams and support persons). A centralized Help Desk assisting developers and users who may reside in different time zones must first consider the time zone of the requesting user in relation to the shift schedule of the support persons before providing contact information to the user.

One of ordinary skill in the art would have recognized that applying Parks' teaching of matching application support availability schedules to the time of the service request by distributed developers and users residing in different time zones, and presenting support contact information in a list first showing support persons available to assist at the time of the support request, would have improved Goodman in a predictable way, such that the Help Desk operator would first view contact information on support persons who were readily available at the time users requested help, and second, view contact information on other support persons available at other times. Because Goodman and Parks both teach in the art of Help Desk automation using standard computer database technology and that Goodman expressly teaches *main*

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and *secondary* support contacts, it would be well within the capabilities of one of ordinary skill to add such a contact information listing feature to Goodman.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to improve Goodman using Parks feature of first displaying contact information of support people available (i.e. "on shift") according to the time of the help desk request, and then displaying other technicians available to support the application in a different time period (i.e. "off shift"), as this would have provided Goodman's Help Desk the ability to connect distributed developers and users to support persons according to the time of request and support shift schedules. Listing the contact information of the "on shift" support persons first, followed by the "off shift" support persons would have caused the Help Desk person to choose a support contact from those listed first, thereby ensuring that users are directed to the most readily available external vendor support persons.

That Goodman teaches automated methods by computer systems it would have been obvious to perform the methods taught as above by recording program instructions on a computer readable medium such that the instructions could be executed by computer.

Claim 2

Goodman teaches a *main* contact and a *secondary contact*, and as the above for claim 1, fairly suggests, in view of Parks and Guheen, the listing of these support persons' contacts in the order recited by the claim.

Claim 3

Goodman does not expressly teach *creating a database specifying said On Shift support hours and said Off Shift support hours for said application, and which of said support people are On Shift and which of said support people are Off Shift*; however, such database is provided by the teachings in Parks (see column 12, line 20: "the database stores information...on serviceable times of the respective technicians..."). For reasons given above in claim 1, the improvement to Goodman using Parks necessarily requires adding the database of Parks to Goodman, the database storing technician availability times (support hours) associated with the support persons' contact database of Goodman.

Claim 4

Goodman teaches or suggests claim 1 as above, including a contacts database of *main* and *secondary* contacts for software products supported by external vendors, the contact information including address, fax, and telephone information (see ¶ [0201]); however, Goodman does not expressly teach which of the methods of contact provided is the *preferred* contact method.

Guheen teaches that users encountering issues and requesting support will be provided support according their preferred "defined channel" such as mail, email, fax or telephone (see Guheen, column 243, line 64); however, Guheen does not expressly teach that the support person is likewise able to specify a preferred channel. However, specifying preferred methods of contact for a user applies equally well to a support person, also a "user". Thus, it would have been obvious to one of ordinary skill at the time of invention to specify which of the methods of contact provided by the contact

information for the support person is the *preferred* method of contact, as doing so would have maximized the probability that the support person can be best reached in a timely manner, thereby improving the response to the user requesting help.

7. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Pat. Pub. 2006/059253) in view Parks et al (US Pat. 6,981,000) and Guheen et al (US Pat. 6,519,571) and further in view of Kaplan et al (US Pat. Pub. 2005/0015501)

Claim 5

Goodman in view of Parks and Guheen, as explained above in the rejection of claim 1, teaches or suggests *receiving requests to view contact information for support people and determining whether said request occurs during On Shift support hours or Off Shift support hours of said application, and determining the support people who are On Shift and the support people who are Off Shift for said application.*

Further, Goodman suggests, as explained above in claim 4, specifying a *preferred* contact method; however, Goodman does not teach or suggest maintaining, in the Help Desk contact database, *different email addresses for contacting support persons, one email address for "on shift" email and one for "off shift" email, and sending to the support person an email request to the email address corresponding to the time of the request in relation to the shift schedule of the support contact.*

Specifically as recited, Goodman does not expressly teach:

wherein there is a preferred e-mail address for On Shift contact and a preferred e-mail address for Off Shift contact for each of said support people, and the preferred e-mail address for On Shift contact is different than the preferred e-mail address for Off Shift contact for at least one of said support people (see ¶[0000] page column line);

and second program instructions to receive a request to send an e-mail to one or more of said On Shift and Off Shift support people, and

if said e-mail request occurs On Shift, send the e-mail to the preferred On Shift e-mail address for each of said one or more On Shift support people and each of said one or more Off Shift support people (see ¶[0000] page column line);

and if said e-mail request occurs Off Shift, send the e-mail to the preferred Off Shift e-mail address for each of said one or more On Shift support people and each of said one or more Off Shift support people (see ¶[0000] page column line);

Kaplan teaches automated methods of on-location dispatch of electronics troubleshooting services, expressly including in the technician contacts database a *primary* and a *secondary* telephone number for the technician.

Official Notice is taken as old and well that technicians or persons who provide service and support are either available while on-shift (i.e. scheduled work time) or on-call (not scheduled but called in as needed), and that two different contact numbers

(e.g. work or home, work or cell, etc.) are provided to contact the support person depending on their work status.

Email being merely another means of contact by modern electronics, including email readable by cellular and wireless telephone devices, it would have been obvious to one of ordinary skill in the art the time of invention to contact the support person at a primary email address while the technician is on a scheduled work shift (i.e. "on shift"), and to contact the support person at a secondary email address while the technician is on-call (i.e. "off-shift"), as this would have provided Goodman's Help Desk more reliable access to support technicians, thereby providing prompt service to the requesting user.

Claim 6

Goodman does not expressly teach or suggest *displaying On Shift support people and Off Shift support people before said e-mail is sent*. However, in view of Guheen and Parks as above in claim 1, and further in view of Kaplan as in claim 5 above, it would have been obvious to one of ordinary skill in the art at the time of the invention, in displaying the list of available technicians with their contact information, to first display the email address to the Help Desk agent in Goodman, as displaying the list before the email was sent would have allowed the Help Desk agent to first *select* which support person the support request was to be directed, before *contacting* the support person (by email), thereby providing the Help Desk agent the opportunity to first choose among available support persons depending on the nature of the user support request before such request is sent.

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Claim 7

Goodman does not expressly teach or suggest *wherein said one or more of said On Shift and Off Shift support people are all of said On Shift and Off Shift support people*. However, in view of Guheen and Parks as above in claim 1, and further in view of Kaplan as in claim 5, it would have been obvious to one of ordinary skill in the art at the time of the invention to display in the list of available support persons *all* of the support persons, as this would have presented to the Help Desk agent the maximum number of support contacts available to provide support, thereby to better choose among all available support persons depending on the nature of the user support request.

Claims 8-10

Goodman does not expressly teach *wherein at least one of said e-mails is sent to a pager; a cell phone, or a computer work station*.

Parks teaches support request messages sent to a technician's terminal, which may be a portable personal digital assistant (PDA), a personal computer, or a wireless phone (Parks, column 7, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to send emails to any one of the recited devices, as these were known in the art to be useful for sending support messages to technicians, thereby allowing the support person to receive directly the information needed to satisfy the support request.

Claim 11 recites computer system means for performing method embodied in the computer program product of claim 5 above, and is similarly rejected as above for the

respective claim elements, and further for that Goodman teaches or suggests computer system means for performing the equivalent of the functions recited.

Claim 12

Goodman in view Parks and Guheen, and further in view of Kaplan as above for claim 11 teach or suggest a database of support persons and schedules of support shifts. However, Goodman does not expressly teach *a database specifying said On Shift support hours and said Off Shift support hours for said application, and which of said support people are On Shift and which of said support people are Off Shift.*

However, Goodman expressly teaches where support persons are associated with sub-teams covering *individual architecture components and software tools*, each sub-team being *application centric* to a particular component or tool, as well as support persons available for general technical support (see Goodman at ¶[0126-0130]). It would be obvious to one of ordinary skill in the art at the time of invention that to provide an application-based list of support persons contact information in the manner taught by Goodman in view of Parks and Guheen *for an application-centric support team*, given that Goodman teaches providing application specific support (the individual architecture components and software tools), would *require* a database further specifying the application and support persons.

Claims 13-18 recite the component records of a database necessary for providing lists of support person contact information for applications as required for providing such lists according to the methods and system of claims 3 and 11, including:

a plurality of participant records for each of said support people and a plurality of application records for said application (see ¶[0000] page column line);

(i) an identification of applications that said given one of said support people supports, (ii) On Shift contact information, (iii) On Shift preferred method of contact, (iv) Off Shift contact information, and (v) Off Shift preferred method of contact;

(i) an account name that said application is associated with, (ii) time zone shift hours, (iii) On Shift start and end hours, (iv) On Shift personnel, and (v) Off Shift personnel.

However, none of Goodman, Guheen, or Parks expressly discloses a *detailed* description of a database containing such records as would necessary to perform the methods of claims 3 and claim 11 (the system of method claim 5 as above).

Official Notice is taken that the implementation of a database to store and to manipulate contact information for providing lists of contact information according to some criteria and information need is well known in the art and well within the ordinary skill of a practitioner in the art. Given the motivation as above to provide lists of support persons according to scheduled shifts for support of an application, including shift information, contact information, primary and secondary information, with preferred methods of contact, it would be obvious to one of ordinary skill in the art to store such plurality of records containing application/shift support persons' contact information, thereby providing automated means to efficiently access and display such information to an operator. That is, implementing such a method (claim 3) or system for performing a method (claim 11 of method claim 5) as a database containing such information would

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be well within the capability of ordinary skill in the art, with the predictable result of providing an efficient means of both implementation and subsequent electronic display and manipulation of the information for the recited purposes of claims 3 and 11 (5).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 8 am to 6 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/
Examiner, Art Unit 2121

/Albert DeCady/
Supervisory Patent Examiner, Art Unit 2121